

Apr 10, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CANDACE D., o/b/o TIMOTHY D.,
deceased,

Plaintiff,

v.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 1:19-CV-03233-FVS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. §405(g). ECF No. 13. The Plaintiff is represented by Attorney D. James Tree. The Defendant is represented by Special Assistant United States Attorney Katherine Watson.

After consideration, **IT IS HEREBY ORDERED** that the Stipulated Motion for Remand, ECF No. 13, is **GRANTED**. The Commissioner's final decision is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Upon remand to the Commissioner of Social Security, the Appeals Council should remand this case to a different Administrative Law

1 Judge (ALJ), pursuant to Hallex I-2-1-55-D-4, for a de novo hearing and a new
2 decision. In addition, the Appeals Council shall affirm the ALJ's favorable
3 determination as of February 25, 2015. Finally, on remand, the ALJ shall (1)
4 further develop the record, offer the substitute party the opportunity for a new
5 hearing, and issue a new decision; (2) reevaluate all of the opinion evidence; (3)
6 reevaluate the claimant's subjective complaints and the third-party statements by
7 the claimant's mother and sister; (4) obtain medical expert testimony to determine
8 the work noise levels Plaintiff could sustain prior to the established onset date of
9 February 25, 2015; (5) reconsider the combined effect of claimant's obesity with
10 this other impairments pursuant to Social Security Ruling (SSR) 19-2p, including,
11 if necessary, eliciting testimony from a medical expert regarding the extent to
12 which the combination of claimant's impairments, including obesity, would impact
13 his ability to work; (6) reevaluate the disability onset date pursuant to SSR 18-01p;
14 and (7) as appropriate, reassess the residual functional capacity and obtain
15 supplemental vocational expert evidence to determine whether there are jobs
16 claimant could still perform despite his limitations.

17 The parties stipulate that this case be reversed and remanded to the ALJ on
18 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the
19 matter is remanded to the Commissioner for additional proceedings pursuant to
20 sentence four 42 U.S.C. 405(g). Upon proper presentation, this Court will consider
21 Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d).

1 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary
2 Judgment, ECF No. 12, and Plaintiff's Motion for Leave to File Excess Pages,
3 ECF No. 10, are **DENIED** as moot, given the parties' motion for remand.

4 The District Court Executive is hereby directed to enter this Order and provide
5 copies to counsel, enter judgment in favor of the Plaintiff, and **CLOSE** the file.

6 **DATED** April 10, 2020.

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8 *s/Fred Van Sickle*
9 Fred Van Sickle
10 Senior United States District Judge
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